

TITLE XIX
INTERAGENCY SERVICE AGREEMENT
BETWEEN
THE ARIZONA DEPARTMENT OF HEALTH SERVICES
AND
THE ADMINISTRATIVE OFFICES OF THE COURTS

This INTERAGENCY SERVICE AGREEMENT (Agreement) is entered by and between the Arizona DEPARTMENT OF HEALTH SERVICES (DHS), an agency of the State of Arizona, and the ARIZONA SUPREME COURT, ADMINISTRATIVE OFFICE OF THE COURT (Court), pursuant to A.R.S. 35-148 and 36-2907.01.

WHEREAS, The Court is authorized to execute and administer contracts and is responsible for juvenile wards of the court; and

WHEREAS, the Arizona Department of Health Services is authorized to execute and administer contracts in exercising its administrative supervision of the Regional Behavioral Health Authorities and is recognized by Arizona statute as the Children's Behavioral Health System; and

WHEREAS, the Court and DHS also desire to improve and enhance the delivery of Title XIX mental health services for Eligible Children;

NOW THEREFORE, in consideration of the mutual promises and undertakings contained herein, and for other good valuable consideration, the parties hereby agree as follows:

I. Agreement Term

The term of this Agreement shall begin on November 1, 1994, and shall remain in effect until the agreement is modified by both parties.

II. Definitions

"Administration Standards" means the standards established by the Arizona Health Care Cost Containment System (AHCCCS), the AHCCCS Mental Health Policy Manual, the Title XIX State Plan, federal and state statute and rules, and any subsequent amendments thereto.

"AHCCCS" means the Arizona Health Care Cost Containment System.

"AHCCCS Mental Health Policy Manual" means the document published by the AHCCCS which defines the policies and procedures applicable to Title XIX mental health services with which the Regional Behavioral Health Authorities must comply including any amendments thereto.

"Case Coordination" is provided to eligible children who are in need of mental health services but who do not need children's intensive case management. Case coordination activities are provided by a case coordinator and are limited to basic individual service plan development, identification of service providers, monitoring, updates, and follow up, when necessary.

"Child, Youth or Juvenile" means an individual who is under the age of eighteen years.

"Comprehensive Medical and Dental Program (CMDP) is the Arizona Department of Economic Security program through which the state provides health care to foster children, including children enrolled in the Arizona Long Term Care System (ALTCS), in the custody of the Arizona Department of Economic Security, the Arizona Department of Youth Treatment and Rehabilitation, or juvenile divisions of the Superior Court.

"Delinquent Act" includes an act by a child, which if committed by an adult would be a criminal offense except a violation of A.R.S. 4-244, paragraph 9, including violation of any law of this state, or of another state if the act occurred in that state, or of the United States, or any ordinance of a city, county or political subdivision of this state defining crime, except that any child remanded for prosecution as an adult shall not be adjudicated as a delinquent child for that same offense for which he was remanded.

"Delinquent Child" means a child who is adjudicated to have committed a delinquent act.

"Detention" means the temporary care of a child who requires secure custody in physically restricting facilities for the protection of the child or the community pending court disposition.

"Eligible Children" or "Eligible Child" is a child who is determined Title XIX eligible, pursuant to ARS 36-2901(4)(b), and who is under the age of 21, and is in need of mental health services which can be reimbursed with Title XIX funds as prescribed in ARS 36-2907.01.

"Incorrigible Act" means an act which would not be a criminal offense if committed by an adult.

"Incorrigible Child" means a child adjudicated as one who refuses to obey the reasonable and proper orders or directions of his parent, guardian or custodian, and who is beyond the control of such person, or who is a runaway from his home or parent, guardian or custodian, or who habitually so departs himself as to injure or endanger the morals or health of himself or others, or who commits any act constituting an offense which can only be committed by a minor, or who violates

A.R.S. 4-244, paragraph 9, or who fails to obey any lawful order of the juvenile court given in a non criminal action.

"Intensive Case Management" means high intensity of scope, frequency and duration of planning, coordination, monitoring, intervention, and evaluation for persons who are seriously mentally ill or who have special needs.

"Juvenile Court" means the juvenile division of the superior court when exercising its jurisdiction over children in any proceeding relating to delinquency, dependency or incorrigibility.

"Juvenile Probation Officer" is the probation officer who implements the programs of individualized treatment for the children who are referred to the court. He or she is appointed by the court, serves at the pleasure of the court and enjoys at least qualified immunity in pursuing his or her administrative duties and absolute immunity when carrying out the orders of the court.

"Mental Health Services" means the treatment for mental disorders and substance abuse as set forth in Administrative Standards.

"Provider" means an organization and/or mental health profession who meets the criteria established in the AHCCCS Mental Health Policy Manual, under contract, if applicable, with DHS or a Regional Behavioral Health Authority, and registered with AHCCCS as applicable, to provide mental health services.

"Regional Behavioral Health Authority" hereinafter referred to as RBHA, means an organization under contract with the Arizona Department of Health Services, to coordinate the delivery of mental health services in a geographically specific service area of the State for certain eligible persons.

"Regional Behavioral Health Authority Case Manager" is an individual contracted for or employed by a RBHA who meets qualifications in the AHCCCS Mental Health Policy Manual and is responsible for participating with the multidisciplinary clinical team in the development of the treatment plan, developing the service plan, arranging for service provision, and monitoring treatment to ensure that the needs of the eligible child are met.

"Service Plan" means a specific plan developed by the RBHA in concert with the juvenile probation officer or judge to carry out treatment, including treatment goals, specific services, service units, service cost, anticipated time frames and provider(s) of care. To be acceptable, the service plan shall meet all specifications included in the Administrative standards. The service plan shall be reviewed by the juvenile probation officer or judge as appropriate, and be approved by the RBHA with respect to Title XIX coverage, cost-effectiveness, and continuity of care.

III. Mutual Objectives

Subject to the provisions of A.R.S. 36-2907.01, this Agreement is entered into for the purpose of achieving the following objectives:

- A) To ensure that DHS and RBHAs make comprehensive, cost-effective mental health services available and accessible in a timely manner with full consideration to continuity of care for Eligible Children.
- B) To ensure that the Court, DHS, and the RBHA coordinate, communicate, and provide timely exchange of information necessary for the establishment, maintenance and enhancement of activities for the provision of mental health services to all Eligible Children.
- C) To ensure Title XIX mental health services are provided to Eligible Children in the least restrictive appropriate setting, and in compliance with orders of the Juvenile Court if the child is adjudicated.
- D) To provide relevant and timely training and technical assistance to Juvenile Courts and RBHAs regarding amendments/revisions to the Administrative standards.

IV. Responsibilities

This section identifies the responsibilities of DHS and AOC in achieving the mutual objectives outlined in Section III.

A) Referral Process

1) Court Responsibilities

- a) Juvenile Courts shall refer at the time of intake if possible all Eligible Children to the appropriate RBHA if the child appears to require intensive Case Management. Other Eligible Children will be referred if possible to providers approved by the RBHA. The parent's or guardian's residence shall be used in determining the appropriate RBHA for purposes of referral.
- b) Whenever appropriate, Juvenile Courts are encouraged to place children who have a pending Title XIX application or for whom a Title XIX application will be taken in Title XIX-eligible facilities to enhance the ability of DHS to provide continuity of service when Title XIX eligibility is established.

- c) Juvenile Courts shall notify the appropriate RBHA of any Eligible Child who is placed in emergency hospitalization in accordance with Administration standards and shall ensure RBHA access to appropriate court case records and assist in obtaining access to client and other need records.
- d) Juvenile Courts are responsible for developing a means of screening for Title XIX eligibility for children who require mental health services.
- e) Upon completion of 1.d. above, Juvenile Courts will conduct screening for Title XIX eligibility for children who require mental health services.

2) DHS Responsibilities

- a) DHS shall require that RBHAs ensure that intake, assessment, evaluation and diagnosis services are provided in accordance with Administration standards and shall provide Juvenile Courts with the findings and service plan for each Eligible Child referred.

B) Provider Network

1) Court Responsibilities

- a) The Juvenile Court shall continue to encourage Court providers to be included in the RBHA provider network.
- b) Upon request from DHS, the Court shall provide a listing of the Court behavioral health provider network.

2) DHS Responsibilities

- a) DHS shall require each RBHA establish and maintain a regional network of providers to coordinate and provide necessary mental health services to Eligible Children.
- b) DHS shall execute and maintain contractual Agreements with RBHAs to coordinate and deliver mental health services in compliance with Administration standards.
- c) DHS shall require that providers of mental health services are qualified in accordance with Administration standards.

- d) DHS shall respond to the Court's requests for licensure of facilities and to requests for technical assistance from the Court's providers for the purpose of expanding the DHS mental health provider network to include the Court's special providers.
- e) Upon request, DHS shall provide the Court with a listing of all DHS licensed mental health facilities, including address, date of licensure renewal, capacity and Joint Commission of Accreditation of Health Care Organization's (JCAHO) accreditation status. DHS will notify the Court of any changes in licensure status as they occur and submit a completely updated list periodically.
- f) DHS will require that RBHAs provide the Court with a list of the RBHA contracted providers by county who are authorized to conduct intake.

C) Screening, Evaluation and Case Management

Division of responsibilities shall be in accordance with the Children's Behavioral Health Interagency Agreement - State Agency Responsibilities Matrix Exhibit A to this agreement.

1) Court Responsibilities

- a) Juvenile Courts shall forward relevant documents in its possession on Eligible Children to the RBHAs or providers; including but not limited to referral packers, psychological, psycho social, psychiatric evaluations, and Individual Education Plans.
- b) The Courts and RBHAs shall provide unduplicated case management as defined by the Court and DHS case management process and by Administration standards. The Court shall be financially responsible for the cost of Court Case Management.

2) DHS Responsibilities

- a) DHS shall require that the RBHA and their intake providers include the designated representative of the juvenile probation office as a member of the multidisciplinary clinical team and that the representative is included in the RBHA service planning process.

- b) DHS shall require RBHAs and their providers accept and follow up on referrals from the Court.
- c) DHS shall require that the RBHA make every effort to accommodate judicial process timeframes for Eligible Children receiving case management, screening and evaluation services through the RBHAs when those children come into contact with the Court. DHS agrees to ensure that the RBHA collaborates with the juvenile probation department in responding to court orders or referrals for placements or services concerning these children.
- d) In the event that DHS determines that a RBHA has not made every effort to comply with the timeframes and requirements for mental health services as set forth in a juvenile court order concerning an Eligible Child, DHS shall take effective corrective action.

D) Grievance and Appeals

1) Court Responsibilities

- a) The Court shall use the grievance and appeals process as defined in the Arizona Department of Health Services Children's Mental Health Appeal Policy. This provision is not intended to limit judicial discretion in the disposition of children referred to the Court and/or adjudicated delinquent or incorrigible.

2) DHS Responsibilities

- a) DHS shall bill the Court for the actual amount expended for those services for each appeal filed in which the RBHA decision is ultimately upheld.

E) Quality Assurance and Utilization Review

Upon request, DHS shall provide the Court with a copy of the annual RBHA Operational Review Report and the Quality Audit after the date of completion. DHS and the Court will coordinate on the development of quality assurance and utilization review systems for Eligible Children.

F) Claims Management for Title XIX and Non-Title XIX Reimbursable Services for Eligible Children

1) Court Responsibilities

- a) The Court will directly reimburse their providers for the Non-Title XIX reimbursable services provided to Eligible Children.
- b) The Court and DHS shall work toward an automated common billing process.
- c) The Court shall provide DHS by the tenth working day of each month a roster identifying the Eligible Children referred to the RBHAs for mental health services
- d) The Court shall be responsible for the cost of case management services provided by Juvenile Probation Officers.

2) DHS Responsibilities

- a) DHS shall provide the Court with the results of reconciling the court roster of Eligible Children with Children enrolled in a RBHA by the twenty fifth day of each month provided a Court roster has been received in that month.
- b) DHS shall provide the Court with a monthly report of Non-Title XIX services provided to Eligible Children.
- c) DHS shall provide the Court with a monthly report of Title XIX services and expenditures for Eligible Children referred by the Court.
- d) DHS shall process claims for services which appear on an approved Title XIX service plan in accordance with the Third Party Payer Billing Manual.
- e) DHS and the RBHAs shall be responsible for the cost of Case Coordination and Case Management services provided by RBHAs or their providers.

G) Coordination Efforts

- 1) The Court and DHS, as appropriate, shall exchange information relevant to claims, service delivery, quality of care and service needs, and RBHA performance.
- 2) The decision of the juvenile court as to the disposition of the child is not subject to challenge except through the normal judicial process. Nothing contained in this Agreement can, or is intended to limit judicial discretion in the disposition of children referred to the court and/or adjudicated delinquent or incorrigible.
- 3) This Agreement is intended to assure that children subject to the jurisdiction of the juvenile court receive services which have been ordered by the court.
- 4) The Court agrees to continue to participate in the development efforts of the Children's Behavioral Health Intergovernmental Agreement including unduplicated case management, the Annual Needs and Resource Assessment, the development of a single purchase of care system, the development and testing of performance standards, the development of the DHS Title XIX state matching funds budget request and exploring the feasibility of referral of all children to RBHAs for mental health services.
- 5) DHS agrees that the Southern Arizona Mental Health Center (SAMHC) may contract with the court for the development of programs for Non-Title XIX eligible children.
- 6) DHS in conjunction with the Court shall establish a training program and standard process of pre-screening for behavioral health service needs to be used by non mental health professionals.

H) Notices

All notices or other correspondence between the parties regarding this Agreement shall be mailed or delivered to the respective parties at the following addresses:

Arizona Department of Health Services
Office of Behavioral Health Services
2122 E. Highland
Phoenix, Arizona 85016

Administrative Office of the Courts
Arizona Supreme Court
Director
Juvenile Justice Services Division
1501 West Washington, Suite 337
Phoenix, Arizona 85007

I) Amendments

Any changes to this Agreement shall be carried out in accordance with the following:

- 1) No condition or requirement contained in or made a part of this Agreement shall be waived or modified without an approved written amendment to this Agreement. Amendments will be effective only if in writing and signed by all parties.
- 2) The above notwithstanding, parties shall each give notice to the other of any non-material alteration to this agreement. Non-material alterations do not require a written amendment. These changes are:
 - a) Of address;
 - b) Of telephone number;
 - c) In the chief program administrator or his/her designee; or
 - d) In the name and /or address of the person to whom notices are to be sent.

J) Compliance With Non-Discrimination Laws

The parties shall comply with Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1975 and the Federal Executive Order 11246, and the State Executive Order No. 75-5 and A.R.S. 41-1461, et. seq. which mandate that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities. The parties shall comply with Section 503 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment or advancement in employment of qualified persons because of physical or mental handicap. The parties shall comply with Title VI of the Civil Rights Act as amended, which prohibits the denial of benefits or participation in services on the basis of

race, color, or national origin. The parties shall comply with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in delivering services.

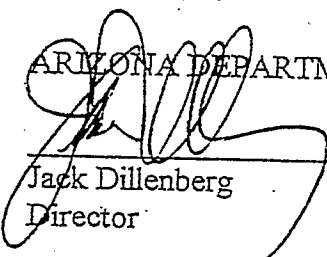
K) Termination

This Agreement may be terminated without cause upon ninety days notice by either party during the term of this agreement. The State may cancel this Agreement as provided in A.R.S. 38-511.

- 1) In the event of termination as provided in this Section, the DHS shall stop all work as specified in the notice of termination and immediately notify all Subcontractors in writing to do the same.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date written below.

ARIZONA DEPARTMENT OF HEALTH SERVICES

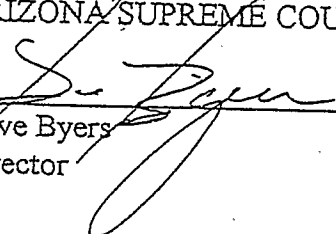


Jack Dillenberg
Director



Date

ARIZONA SUPREME COURT, ADMINISTRATIVE OFFICE OF THE COURT



Dave Byers
Director



Date

Children's Behavioral Health Intergovernmental Agreement
Case Management Workgroup

STATE AGENCY RESPONSIBILITIES

DESCRIPTION	DES ACYF	DES/DD	AOC	DYTR	RBHA DHS
IDENTIFICATION (Prior to Mental Health Referral)					
• Verify current Title XIX eligibility.	X	X	X	X	
• Identify that there is a potential third party resource available using the information supplied by AHCCCS on the eligibility roster. ¹	X	X			X
• Determine the need for referral to the RBHA.	X	X	X	X	
INTAKE/SCREENING					
IMPERATIVES/REQUIREMENTS					
• Complete Intake Assessment A & B.					X
• Complete consent to treat form.					X
• Complete release forms.					X
• Complete client rights and grievance notification procedures.					X
• Complete client fact sheet.					
• Provide background information to RBHA or designee (including existing mental health records, demographic information and social history). ²	X	X	X	X	
• Re-verify TXIX eligibility.					X
IMPERATIVES/REQUIREMENTS					
• DHS Policy					X
• Statute/Law					X
• Statute/Law					X
• Statute/Law					X
• DHS Policy					X
• Policy/Procedure			X	X	
• Policy/Procedure					X

¹ This responsibility is only being done by DHS and DES at this time.

² School districts required to follow the RBHA referral process and provide information to the RBHA.

DESCRIPTION		DES ACYF	DES/DD	AOC	DYTR	RBHA DHS
<ul style="list-style-type: none"> Screen for Title XIX behavioral health services. Provide transportation to and attend intake/screening sessions. 	AHCCCS regulations					X
	Policy/Procedure	X	X	X ³	X	X ⁴
EVALUATION AND DIAGNOSIS AND INDIVIDUALIZED SERVICE PLAN DEVELOPMENT		IMPERATIVES/REQUIREMENTS				
• Perform assessment.	AHCCCS requirement					X
• Complete Child and Adolescent Functional Assessment Scale (CAFAS) and determine case management status.	DHS Policy					X
• Provide Clinical Team Review for Intensive Case Managed (ICM) children.	AHCCCS requirement/DHS Policy					X
• Participate in Clinical Team Review for ICM children.	Policy/Procedure	X	X	X	X	X
• Determine child's need for behavioral health services.	AHCCCS requirement					X
• Select provider to deliver medically appropriate services.	Procedure					X
• Recommendation to RBHA of provider to complete the evaluation, diagnosis and individualized service plan for service coordinated children.	Procedure	X	X	X	X	
• Develop and maintain an Individualized Service Plan.	Policy/AHCCCS & HCFA requirement					X
• Develop a Service Authorization.	Procedure					X
• Ensures a Certificate of Need is performed appropriately.	AHCCCS/HCFA requirements					X
• Develop a Discharge Plan as part of ISP.	AHCCCS requirement					X

³ If child is detained, the Court is responsible for transportation to intake/screening.

⁴ If screening and intake are done separately, RBHA becomes responsible for transportation to intake if services are determined medically necessary.

DESCRIPTION		DES ACYF	DES/DD	AOC	DYTR	RBHA DHS
• Sign the ISP indicating the plan has been reviewed.	Policy/Procedure	X	X	X	X	
• Coordinate ISP with the Agency/Court Case Plan: (PCP, Family, School, Youth, Courts, Ancillary Providers)	Statute/Law	X	X	X	X	X
• Apply for Educational Voucher. ⁵	Statute	X	X	X	X	X
• Participate in the development of the Individual Education Plan.	Statute/Policy	X	X	X	X	X
• Obtain services and ensure the Eligible Child is receiving all medically necessary behavioral health services.	AHCCCS requirement					X
• Coordinate, arrange and provide, if necessary, transportation for medically necessary behavioral health services.	AHCCCS requirement					X
• Provides ISP and other relevant behavioral health information to state agency and service provider.	Policy/Procedure					X
ONGOING CASE COORDINATION		IMPERATIVES/REQUIREMENTS				
• Incorporate information from the mental health diagnosis, treatment plan and ISP into the Eligible Child's overall case plan.	Policy/Procedure	X	X	X	X	
• Record and coordinate this mental health information with the court and other relevant parties, as appropriate.	Policy/Procedure	X	X	X		
• Include RBHA Case Manager or RBHA designee in the Attachment A and minute entry endorsements, if applicable.	Policy/Procedure	X	X	X		
• Notify the RBHA Case Manager or RBHA designee of court hearings.	Policy/Procedure	X	X	X		

⁵ The responsible agency is determined by the agency as indicated in case management hierarchy. Vouchers only apply to children placed in private residential facilities as defined by statute.

DESCRIPTION		DES ACYF	DES/DD	AOC	DYTR	RBHA DHS
• Attend Foster Care Review Board hearings.	Statute	X	X	X		
• Receive and review court minutes	Policy/Procedure	X	X	X	X	X
• Provide monthly reports to the Agency/Court Case Manager for case managed children and as necessary to comply with Juvenile Court requirements.	Policy/Statute as required					X
• Provide quarterly summary reports to the Agency/Court Case Manager for case coordinated children and as necessary to comply with Juvenile court requirements.	Policy/Statute as required					X
• Obtain ancillary services, benefits, non-title XIX services, or entitlements that may augment individual progress.	Policy/Procedure	X	X	X	X	
• Monitor Eligible Child's progress toward the ISP goals.	Policy/Procedure	X	X	X	X	X
• Serve as primary contact and resource person to resolve issues which impede the Eligible child's progress and access to behavioral health services.	Statute					X
• Serve as primary contact and resource person to resolve issues which impede the eligible Child's progress and access to services related to overall case plan, other than behavioral health.	Statute	X	X	X	X	
• Ensure appropriate interface with the family, foster family, courts, school and other relevant parties. ⁶	Policy/Procedure	X	X	X	X	X
• Notify the Agency/Court Case Manager of changes required in the ISP.	AHCCCS					X
• Notify the RBHA Case Manager or RBHA designee of changes in the Agency/Court Case Plan.	Policy/Procedure	X	X	X	X	

⁶ See Hierarchy of Case Management Guidelines

DESCRIPTION		DES ACYF	DES/DD	AOC	DYTR	RBHA DHS
DISCHARGE PLANNING	IMPERATIVES/REQUIREMENTS					
• RBHA notifies the Primary Case Manager in writing of anticipated acute inpatient hospital discharge within 48 hours, or anticipated RTC and out-of-home discharge 10 working days prior to discharge.	Policy/Procedure					X
• Primary Case Manager notifies DOE/LEA in writing of anticipated acute hospital discharge within 48 hours, anticipated RTC/out-of-home discharge 10 working days prior to discharge or immediately following court order, if no previous notice is given.	Policy/Procedure	X	X	X	X	X
• Develop a discharge plan which will consist of any mental health services which are medically appropriate in coordination with state agency.	AHCCCS					X
• Prepare a discharge summary.	Policy					X
• Coordinate discharge plan with Agency/Court Case Manager.	Policy/Procedure	X	X	X	X	X